UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/1996/38
5 May 1996

ORIGINAL: ENGLISH

Substantive session of 1996
24 June-26 July 1996
Item 5 (h) of the provisional agenda*

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: NARCOTIC DRUGS

Summary of the report of the International Narcotics Control Board for 1995

1. In accordance with the Single Convention on Narcotic Drugs, 1961, the International Narcotics Control Board (INCB) is required to prepare an annual report on its work, in addition to any other reports considered necessary. An analogous obligation is set forth in the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic and Narcotic Drugs and Psychotropic Substances of 1988. The report must be submitted to the Economic and Social Council through the Commission on Narcotic Drugs. In each year's annual report, the Board provides a comprehensive analysis of the current drug control situation in the world and recommends action that it considers appropriate.

2. The overview of the INCB report for 1995 considers the subject of money-laundering, suggesting that greater priority be given to combating money-laundering as an effective means of addressing drug trafficking and organized crime.

3. The Board points out that, although the adoption of the 1988 Convention marked a decisive step in mobilizing the international community for the fight against illicit drug trafficking, much more is required, in particular more concerted international action against money-laundering.

4. The Board makes several observations about money-laundering and, noting that the international nature of laundering makes it essential to mobilize a global response to the problem, recommends that harmonized policies be

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formulated and that countries be assisted, where necessary, in implementing such policies. Although the Board recognizes that some progress has been made, it expresses concern that to date no concrete steps have been taken by the international community to effectively coordinate the fight against money-laundering worldwide.

5. Accordingly, the Board proposes that a comprehensive and universal framework be designed to enhance and harmonize measures for expropriating the proceeds of crime, in particular drug trafficking, throughout the world.

6. To that effect, the Board identifies a number of recommendations on money-laundering for the consideration of the Commission on Narcotic Drugs and the Economic and Social Council. The recommendations cover, inter alia, ensuring that the burden of proof is reversed regarding the lawful origin of alleged proceeds or other property liable to confiscation; concluding agreements with other Governments on the sharing of confiscated illicit proceeds in order to promote the willingness of Governments to investigate and share information on money-laundering activities; and contributing at least part of the value of confiscated proceeds and property to governmental and intergovernmental bodies that specialize in the fight against illicit traffic in and abuse of narcotic drugs and psychotropic substances.

7. The Board proposes that the above-mentioned framework include the systematic collection and dissemination of information on the seizure and confiscation of proceeds derived from drug trafficking, in addition to mechanisms for monitoring the progress of the international community in preventing and controlling money-laundering.

8. Although in the long run the world community will need a comprehensive legal instrument to ensure that organized crime, money-laundering and corruption can be fought globally, the Board is nevertheless aware that for the time being the provisions of the 1988 Convention and its universal ratification and implementation are seen as progressive steps in the area of international drug control.

9. The Board stresses, however, that many countries are still far from meeting the important and necessary provisions and recommendations of the 1988 Convention, in particular concerning the confiscation of proceeds and property, the reverse of the burden of proof, the implementation of controlled delivery, mutual legal assistance and extradition. Countries are therefore urged to accept the obligation to provide and enforce laws that would enable them to confiscate all proceeds derived from drug trafficking and to punish money-launderers as well as drug traffickers.

10. In chapter II of its report, the Board places particular emphasis on the sharp and controversial increase in the use of methylphenidate, better known under its trade name Ritalin, in the treatment of attention deficit disorder; the abuse of synthetic drugs, in particular "ecstasy" and "ice"; the diversion of psychotropic substances, in particular benzodiazepines, from domestic and international distribution channels; and the illicit traffic and diversion of acetic anhydride to clandestine drug laboratories.

11. The Board also comments on the provision of controlled drugs in acute emergency situations, and points out that although the proposal that control obligations be limited to the competent authorities of exporting countries in such situations was endorsed by the Commission on Narcotic Drugs at its thirty-eighth session, the practice is not yet widely known to national authorities and is not yet being adequately applied.

12. The Board recognizes that the transportation and provision of controlled drugs needed for humanitarian aid in acute emergencies of natural or human origin constitute a genuine justification for non-application of the normal, regular control requirements. The Board therefore proposes that national authorities of exporting countries conclude standing agreements with a limited number of bona fide suppliers of humanitarian aid, and that such agreements specify that in acute emergency situations, the need for import and export permits and the respect of the estimate system may be replaced by an emergency procedure so as to allow the rapid import and export of controlled drugs.

13. As to countries' adherence to the international drug control conventions, the Board notes with concern that a few parties to the 1971 Convention do not yet control international trade in all substances in schedules III and IV, and do not report to the Board on exports and imports. The Board reminds Governments of their failure to comply with the relevant treaty obligations, and has sent missions to the countries concerned in order to facilitate treaty adherence. The Board also reminds Governments that the implementation by all Governments of control measures for international trade in psychotropic substances, including additional control measures as recommended by the Economic and Social Council, is essential in order to stop the diversion of large quantities of psychotropic substances from international trade into illicit markets in developing countries in Africa, Asia and Latin America and to stop the increasing abuse of such substances in all other countries.

14. In chapter II, the Board also highlights another of its concerns: the international trade in seeds derived from illicitly cultivated cannabis plants and opium poppies. While the Board recognizes that seeds are certainly not within the scope of control of the international conventions, it urges Governments to make every effort to avoid enhancing illicit cultivation and abuse by tolerating trade in such seeds.

15. In chapter III, the Board presents an analysis by region of the drug control situation and measures taken by Governments against drug abuse and trafficking.

Africa

16. Taking into account the enormous problems created by the political and social conflicts experienced in many African States, the Board draws the attention of Governments in Africa to the links between the drug problem and criminality and corruption, in particular to their negative effects on economic stability and health. It points out that, although cannabis continues to be illicitly cultivated in most African countries, Western countries have reported seizures of large consignments of cannabis resin arriving from West Asia through ports in East and West Africa. African seaports and airports also continue to

be used for the traffic of heroin from Asia to Europe and North America, and the Board comments on the sharp increase in local abuse of heroin due to the availability of the drug at low prices in many African cities. The Board also reports that Africans are increasingly being used as couriers for transporting cocaine from South America through Northern and Western Africa to Europe. African Governments are urged to speed up the process of adopting adequate drug control legislation and establishing operational national drug control coordinating bodies.

Central America and the Caribbean

17. The geographic location and limited interception capabilities of the countries of Central America and the Caribbean continue to be exploited by international drug traffickers for the large-scale transshipment of cocaine and (in the case of the Caribbean countries) cannabis bound for North American and European markets. The Board comments on the successful interdiction action taken in the Bahamas, southern Florida and the Turks and Caicos Islands, which has resulted, however, in traffickers shifting the focus of their illegal activities to the eastern Caribbean where controls are seen as being less stringent. The Board noted with concern that large quantities of ephedrine from Asia and Europe are being channelled through Guatemala to Mexico and the United States of America. The Board draws the attention of Governments in Central America and the Caribbean to the need for continued commitment to defining comprehensive drug control policies and to establishing the legislative basis and administrative structures that are necessary for the implementation of such policies. The Board comments on the weak banking and financial structures of most countries in Central America, and points out that such weakness makes them prime targets for money-laundering activities. However, the Board welcomes the creation of a regional legal centre in Costa Rica for the improvement of drug control legislation in the countries of Central America, as well as the financial support provided by the Government of Honduras for the operation of the permanent Central American Commission for the Eradication of Drug Abuse, Production and Illicit Trafficking.

North America

18. In North America, the Board notes that the principal goal of the United States drug control strategy of 1995 was to reduce the number of drug abusers within the country. The strategy is linked to efforts to empower communities, curb youth violence and preserve the family. The multifaceted campaign being undertaken by Mexico against illicit cultivation, production, manufacture, and trafficking and abuse, and the action taken by the Government of Mexico to eliminate the corruption of officials and strengthen legal controls so as to prevent money-laundering are also noted by the Board. The Board referred to the results achieved in Canada through the Government's comprehensive demand reduction strategy, although it notes with concern that the considerable volume of financial flows between Canada and the United States has contributed to the attractiveness of Canada for persons who engage in money-laundering.

19. Illicit cannabis cultivation continues in all three countries of North America, despite eradication campaigns, and Mexico remains a supplier of the illicit cannabis markets in the United States. Opium poppy is also cultivated

in Mexico, although the proportion of heroin of Mexican origin reaching United States markets is much less than that arriving from South-East Asia and South America. The Board notes the free availability of cocaine in most major cities of the United States. The link between clandestine methamphetamine manufacture and the diversion of ephedrine from licit sources continues in Mexico and the United States. The Board also noted the possible overprescription of methylphenidate and the risks of its diversion to non-medical use.

South America

20. The Board urges the Governments of South America to afford the highest priority to the fight against money-laundering in order that the large flow of capital stemming from illicit drug production, manufacture and trafficking will not have a long-lasting negative social, economic and political impact. It also appreciates the efforts made by the Inter-American Drug Abuse Control Commission to fill the gap left by the dissolution of the South American Agreement on Narcotic Drugs and Psychotropic Substances, as well as the efforts undertaken by the United Nations Drug Control Programme (UNDCP) to promote subregional strategies and programmes. The Board notes the successful eradication and interdiction efforts undertaken in Colombia, and expresses the hope that political difficulties in Colombia will not reduce the strong commitment of Colombia to fighting against drug trafficking organizations and the illicit cultivation, production and manufacture of drugs. Globally, coca bush cultivation and coca leaf production patterns have remained unchanged during 1995, with Peru continuing to be the largest coca leaf producer in the world. The Board continues to draw the attention of the Commission on Narcotic Drugs to the fact that the practices of the Governments of Argentina, Bolivia and Peru with respect to licit and illicit coca bush cultivation and coca leaf production and consumption are not in conformity with the provisions of the 1961 Convention.

East and South-East Asia

21. In East and South-East Asia, the Board welcomes the signing of a protocol to the 1993 Memorandum of Understanding between the Governments of China, the Lao People's Democratic Republic, Myanmar and Thailand, and UNDCP, which extended the scope of the Memorandum to include Cambodia and Viet Nam. However, the Board notes that money-laundering is a major problem in the region, and it encourages Governments to follow the recommendations of the Financial Action Task Force. The Board notes that demand reduction programmes are receiving increased attention in the region. Cannabis continues to be extensively cultivated in many countries of South-East Asia, and illicit poppy cultivation and opium production also continue, with Myanmar remaining the largest producer of opium. South-East Asia remains one of the major suppliers of illicit heroin markets throughout the world, but the Board also notes that there is a rapid growth within the region of heroin addiction. Phensedyl, a codeine preparation, and methamphetamine continue to be abused within the region, and the illicit manufacture, trafficking and abuse of methamphetamine constitute a major concern of countries in the region.

South Asia

22. The Board appreciates the increasing cooperation between members of the South Asian Association for Regional Cooperation, in ensuring the effective implementation of the provisions of the 1988 Convention. The Board notes that the countries of South Asia are improving and updating their national narcotics legislation, strengthening their control administration, and enhancing their activities in the field of demand reduction; such efforts, however, have not yet had an overall positive impact on abuse and trafficking. Cannabis continues to be widely cultivated in South Asia, although most of it is used within the region. The region continues to be the venue of growing transit activity in heroin from South-West and South-East Asia, and the spread of heroin abuse constitutes a major problem in South Asia. In India, intravenous heroin abuse remains a major concern because it is spreading from northern India and large cities to other more rural areas, and is associated with an alarming increase in the incidence of human immunodeficiency virus/acquired immunodeficiency syndrome infection. The abuse of psychotropic substances is reported as being on the increase in almost all countries of the region, and the illicit manufacture of methaqualone continues in India, with significant quantities of the substance being smuggled into African countries.

West Asia

23. In the region of West Asia, the Board notes with satisfaction the increasing cooperation between member States of the Economic Cooperation Organization, as well as the close cooperation in the field of drug control between Egypt, Israel, Jordan and the Palestinian authorities and UNDCP, and notes the initiatives and efforts being undertaken by the League of Arab States, the Gulf Cooperation Council and the Governments of the States that are members of the Commonwealth of Independent States (CIS). The Board is of the opinion that there is an urgent need to create appropriate legal frameworks and strengthen law enforcement structures in CIS member States, and is concerned at the absence of mechanisms to control new financial institutions and banking activities in CIS member States. The lack of demand reduction activities in many countries in West Asia is emphasized in the report, and the Board urges the Governments of the States in the region to attach high priority to such prevention programmes. Afghanistan and Pakistan continue to be a major source of illicit production and traffic in cannabis, opium, morphine and heroin, while stimulants are reported to constitute major problems in the Arab countries and central Asia.

Europe

24. As to Europe, the Board appreciates that the European Union has concluded bilateral agreements with a number of States and intergovernmental organizations in order to increase cooperation in activities designed to counter money-laundering, the diversion of precursors and other chemicals, and the illicit manufacture and trafficking of drugs. The Board also notes with satisfaction the intention of the European Monitoring Centre for Drugs and Drug Addiction to cooperate with the United Nations. The Board expresses concern, however, that while Western European countries are increasing their cooperation and implementing advanced levels of legislation to counter the drug problem, no

comprehensive drug legislation has been enacted in any of the formerly socialist countries of Eastern Europe. And although it notes that the Netherlands has undertaken initiatives to bring its drug policy more in line with the international drug control treaties, the Board expresses its continued concern at the persistence of certain practices that call into question the Government's fidelity to its treaty obligations, and also points out that the Netherlands has become a significant producer of cannabis cultivated indoors. The abolition of border controls within the European Union, the opening of borders between East and West, and the ongoing war in former Yugoslavia, which has disrupted the traditional Balkan route and caused traffickers to diversify their routes, continue to be major challenges to drug control and law enforcement authorities in the fulfilment of their responsibilities. In the Russian Federation, where money-laundering is not considered to constitute an offence, the Board reports that there are close links between drug trafficking and money-laundering.

25. Cannabis continues to be the principal drug of abuse in Europe. Heroin continues to be abused more in Western Europe, although there are signs that heroin abuse is emerging in some countries of Central and Eastern Europe. The Board also reports that the Baltic States have witnessed increasing abuse of synthetic opioids. The Board reports that cocaine seizures have increased significantly in Europe, with the South American cartels using Eastern Europe more and more as a transit for cocaine destined for illicit markets in Western Europe. Abuse of the drug continues to increase in Western Europe, and there are signs that such abuse is spreading in some countries of Eastern Europe. Abuse of stimulants, such as ecstasy, is a new and rapidly increasing phenomenon.

Oceania

26. Turning finally to abuse and trafficking of drugs in Oceania, which has not yet become a focus of major international concern, the Board notes that the Pacific islands are increasingly being used by drug traffickers as transit points. The capacity of police and customs services is not sufficient to control the increasing illicit drug trade. In addition, as the Pacific islands move to modernize their economic and financial systems they may become more attractive to criminal activities, such as money-laundering. In the region as a whole with the exception of Australia and New Zealand, the problem of drug abuse seems to be limited to the abuse of cannabis. In Australia, however, heroin abuse continues to pose a problem, as does the illicit manufacture of methamphetamine and hallucinogenic amphetamines.

27. In chapter III, the Board presents a number of the conclusions of its missions to Benin, Brazil, Bulgaria, Canada, Colombia, the Gambia, Ghana, Guatemala, Hong Kong, the Islamic Republic of Iran, Kazakstan, Pakistan, Papua New Guinea, Singapore, Switzerland, Togo, Ukraine and United Arab Emirates.